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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/779,949	02/17/2004	Benedicht U. Pauli	18617.0new

26712  
 HODGSON RUSS LLP  
 ONE M & T PLAZA  
 SUITE 2000  
 BUFFALO, NY 14203-2391

CONFIRMATION NO. 1487

## FORMALITIES LETTER



\*OC000000013019298\*

Date Mailed: 06/22/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.) (see 37 CFR 1.84(u)(1)). See Figure(s) 3B, 18A-C.
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 13d.

SUMMARY OF FEES DUE:

08/24/2004 YPOLITE1 00000004 10779949

01 FC:2051

65.00 OP

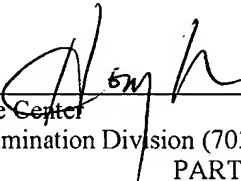
Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PTO/SB/17 (10-03) Approved for use through 07/31/2006. <b>FEE TRANSMITTAL</b> for FY 2004 Effective 10/01/2003. Patent Fees are subject to annual revision.		Application Number		10/779,949	
		Filing Date		February 17, 2004	
		First Named Inventor		Bendicht et al.	
		Examiner Name			
		Group/Art Unit			
TOTAL AMOUNT OF PAYMENT		(\$)		65.00	
		Attorney Docket Number		18617.0081	

METHOD OF PAYMENT (check all that apply)			FEE CALCULATION (continued)																																																																																																																																																																																																		
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account:   Deposit Account Number: <u>08-2442</u> Deposit Account Name: <u>Hodgson Russ LLP</u> The Director is hereby authorized to (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Charge any fee deficiencies or credit any overpayments <input type="checkbox"/> Charge any additional fees during pendency of this application. <input type="checkbox"/> Charge fees indicated below, except for the filing fee to the above-identified deposit account			<b>3. ADDITIONAL FEES</b> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>\$ 65</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td>\$</td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td>\$</td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td>\$</td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting Publication of SIR prior to Examiner Action</td> <td>\$</td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting Publication of SIR after Examiner Action</td> <td>\$</td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td>\$</td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td>\$</td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td>\$</td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td>\$</td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td>\$</td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td>\$</td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td>\$</td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> <td>\$</td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td>\$</td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td>\$</td> </tr> <tr> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> <td>\$</td> </tr> <tr> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665</td> <td>10 advance copies Utility issue fee (or reissue)</td> <td>\$</td> </tr> <tr> <td>1502</td> <td>480</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> <td>\$</td> </tr> <tr> <td>1503</td> <td>640</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> <td>\$</td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td>\$</td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(g)</td> <td>\$</td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Statement</td> <td>\$</td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>\$</td> </tr> <tr> <td>1809</td> <td>770</td> <td>2809</td> <td>385</td> <td>Filing a submission after final rejection(37 CFR 1.129(a))</td> <td>\$</td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each add'l invention to be examined(37 CFR 1.129(b))</td> <td>\$</td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request For Continued Examination (RCE)</td> <td>\$</td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for Expedited Examination of a design application</td> <td>\$</td> </tr> <tr> <td colspan="5">Other fee (specify) _____</td> <td>\$</td> </tr> <tr> <td colspan="5">*Reduced by basic filing fee paid</td> <td><b>SUBTOTAL (3)</b> \$ 65</td> </tr> </tbody> </table>					Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath	\$ 65	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$	1053	130	1053	130	Non-English specification	\$	1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	\$	1804	920*	1804	920*	Requesting Publication of SIR prior to Examiner Action	\$	1805	1,840*	1805	1,840*	Requesting Publication of SIR after Examiner Action	\$	1251	110	2251	55	Extension for reply within first month	\$	1252	420	2252	210	Extension for reply within second month	\$	1253	950	2253	475	Extension for reply within third month	\$	1254	1,480	2254	740	Extension for reply within fourth month	\$	1255	2,010	2255	1,005	Extension for reply within fifth month	\$	1401	330	2401	165	Notice of Appeal	\$	1402	330	2402	165	Filing a brief in support of an appeal	\$	1403	290	2403	145	Request for oral hearing	\$	1451	1,510	1451	1,510	Petition to institute a public use proceeding	\$	1452	110	2452	55	Petition to revive - unavoidable	\$	1453	1,330	2453	665	Petition to revive - unintentional	\$	1501	1,330	2501	665	10 advance copies Utility issue fee (or reissue)	\$	1502	480	2502	240	Design issue fee	\$	1503	640	2503	320	Plant issue fee	\$	1460	130	1460	130	Petitions to the Commissioner	\$	1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	\$	1806	180	1806	180	Submission of Information Disclosure Statement	\$	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	\$	1809	770	2809	385	Filing a submission after final rejection(37 CFR 1.129(a))	\$	1810	770	2810	385	For each add'l invention to be examined(37 CFR 1.129(b))	\$	1801	770	2801	385	Request For Continued Examination (RCE)	\$	1802	900	1802	900	Request for Expedited Examination of a design application	\$	Other fee (specify) _____					\$	*Reduced by basic filing fee paid					<b>SUBTOTAL (3)</b> \$ 65
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<b>2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE</b> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1202</td> <td>18</td> <td>2202</td> <td>9</td> <td>Claims in excess of 20</td> <td>\$</td> </tr> <tr> <td>1201</td> <td>86</td> <td>2201</td> <td>43</td> <td>Independent claims in excess of 3</td> <td>\$</td> </tr> <tr> <td>1203</td> <td>290</td> <td>2203</td> <td>145</td> <td>Multiple dependent claim if not paid</td> <td>\$</td> </tr> <tr> <td>1204</td> <td>86</td> <td>2204</td> <td>43</td> <td>**Reissue independent claims over original patent</td> <td>\$</td> </tr> <tr> <td>1205</td> <td>18</td> <td>2205</td> <td>9</td> <td>**Reissue claims in excess of 20 and over original patent</td> <td>\$</td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>SUBTOTAL (2)</b></td> <td>\$ 0</td> </tr> </tbody> </table>						Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20	\$	1201	86	2201	43	Independent claims in excess of 3	\$	1203	290	2203	145	Multiple dependent claim if not paid	\$	1204	86	2204	43	**Reissue independent claims over original patent	\$	1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	\$	<b>SUBTOTAL (2)</b>					\$ 0
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<b>SUBMITTED BY:</b> John D. Lopinski      Reg. No. 50,846 <b>SIGNATURE</b> DATE: August 19, 2004      Telephone: (716) 848-1430																																																			



I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 19, 2004

Pam Assad

Name

Signature

August 19, 2004

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bendicht et al.

Serial No.: 10/779,949

Filed: February 17, 2004

For: Calcium-Activated Chloride Channel Proteins And Their Use In Anti-Metastatic Therapy

**RESPONSE**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

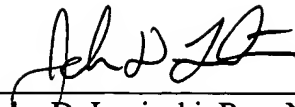
Sir:

Responsive to the Notice to File Missing Parts of Non-provisional Application mailed June 22, 2004 (copy enclosed), herewith is the executed Declaration and the \$65.00 filing fee.

Applicants have further enclosed replacement drawings. In compliance with 37 CFR 1.84 and 1.121, the replacement drawing have each been labeled "Replacement Sheet". Applicants point out that Figure 3B now correctly lists "Figure 3B" at the bottom of the sheet. Figure 13 is also corrected to identify Figure 13A and to have the complete text of "Voltage (mV)" shown. Figures 18A-18C, which were formerly mislabeled as Figures 17A-17C, have been provided with the corrected numerals.

If any underpayment or overpayment has been made, please charge to Deposit Account No. 08-2442.

Respectfully submitted,  
HODGSON RUSS LLP

By   
John D. Lopinski, Reg. No. 50,846

One M&T Plaza, Suite 2000  
Buffalo, New York 14203  
(716) 848-1628  
Dated: August 12, 2004

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